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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BROOKLYN TONI, an individual, and
DOMINIQUE JARDIN, guardian filing on
behalf of minor N.J.

Plaintiff,

vs.

WASHOE COUNTY SCHOOL DISTRICT, a
political subdivision of the State of Nevada,
and individually, BEAU WALKER, an
individual KYLE FORD, an individual, and
DOES I - XX

Defendants.

Case No.: 3:23-cv-00229-MMD-CLB

PLAINTIFFS' AND DEFENDANT
KYLE FORD'S, JOINT MOTION TO
FILE UNDER SEAL: PLAINTIFFS'
AND DEFENDANT KYLE FORD'S,
JOINT MOTION FOR GOOD FAITH
SETTLEMENT

Plaintiffs, Brooklyn Toni and Dominique Jardin, guardian filing on behalf of minor, N.J.,
("Plaintiffs"), by and through their counsel of record, Sigal Chattah, Esq., of the Chattah Law Group,

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and Joey Gilbert, Esq., of the Gilbert Law, and Defendant, Kyle Ford, by and through his counsel of record, Gina M. Mushmeche, Esq., of Schnitzer Johnson & Watson Chtd., respectfully request that this court issue an Order permitting Plaintiffs and Defendant, Kyle Ford to file the Joint Motion for Good Faith Settlement under seal. Defendants for the remaining Defendants, Washoe County School District and Beau Walker, have no objection to the Motion.

SCHNITZER JOHNSON & WATSON

/s/ Gina M. Mushmeche, Esq.
GINA M. MUSHMECHE, ESQ.
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Attorneys Defendants

/s/ Sigal Chattah, Esq.
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**DECLARATION OF GINA M. MUSHMECHE, ESQ. IN SUPPORT OF
PLAINTIFFS' AND DEFENDANT, KYLE FORD'S, JOINT MOTION TO FILE
UNDER SEAL: PLAINTIFFS' AND DEFENDANT, KYLE FORD'S, JOINT MOTION
FOR GOOD FAITH SETTLEMENT**

I, GINA M. MUSHMECHE, ESQ., do hereby declare:

1. I am a partner at the law firm of Kravitz Schnitzer Johnson & Watson, Chtd., and I am licensed to practice in the State of Nevada, and am counsel of record for Kyle Ford.

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2. I have personal knowledge of the facts set forth herein and am competent to testify to the matters set forth in this Declaration and will do so if called upon.

3. Plaintiffs have resolved their claims against Kyle Ford.

4. Kyle Ford requested that the amount of the settlement to each Plaintiff remain confidential and Plaintiffs agreed.

5. Both Plaintiffs have actually executed settlement agreements.

6. I contacted counsel for the remaining Defendants, Washoe County School District and Beau Walker to notify them of the settlement and each has been made aware of the settlement amounts being paid on behalf of Kyle Ford.

7. I also contacted counsel for the remaining Defendants to advise that I would be filing this Joint Motion to File Under Seal: Plaintiffs' and Defendant, Kyle Ford's Joint Motion for Good Faith Settlement.

8. Both counsel for Defendants, Washoe County School District and Beau Walker, advised that they would not oppose the Joint Motion to File Under Seal.

9. The proposed Motion for Good Faith Settlement is attached hereto as Exhibit A.

10. This Declaration is made in good faith, and not for purposes of harassment or delay.

I declare under the penalty of perjury for the laws of the State of Nevada that the foregoing is true and correct.

DATED this 1st day of April, 2024.

/s/ Gina M. Mushmeche, Esq.
Gina M. Mushmeche, Esq.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

On October 13, 2023, the Court entered the Stipulated Protective Order (ECF No. 37) (the "Protective Order"). At paragraph 1. of the Protective Order, it specifically provided that (any Party or Non-Party may designate as "confidential" by stamping the relevant page or as otherwise set forth

herein) any document or response to Discovery which the Party or Non-Party considers Good Faith to contain information (herein referred to as “Confidential Information”).

Plaintiffs and Defendant, Kyle Ford, have come to an agreement to resolve any and all of Plaintiffs’ claims against Kyle Ford. Defendant Kyle Ford requested that the settlement remain confidential. At all times relevant to Plaintiffs’ claims against, Kyle Ford was a Minor. As a result the Plaintiffs and Defendant, Kyle Ford, agreed to keep the settlement amounts confidential. Specifically, the settlement agreements entered into between Brooklyn Toni and Kyle Ford, and Dominique Jardin, as guardian of N.J. and Kyle Ford respectively include the following confidentiality clause:

In exchange for \$XXX of the settlement proceeds as outlined in Paragraphs 3.1 and 3.2 above, RELEASOR and her[his] attorneys agree that the factual circumstances surrounding this Release, and the specific terms, conditions and amounts of money being paid pursuant to the Release are confidential and shall not be publicly disclosed, discussed or described directly or indirectly by RELEASOR and/or her[his] attorneys except as may be required by law or by Order of Court or other governmental entity with authority to compel disclosure of information, or for legal, accounting, insurance or tax advisory purposes RELEASOR and her[his] attorneys further agree that they shall neither publish nor disclose with the intent to have published the factual background of the allegations against DEFENDANT. Privileged or fiduciary disclosures shall not constitute public disclosure by RELEASOR. However, RELEASOR and her[his] attorneys shall in good faith take the necessary steps to prevent further disclosure.

Further, RELEASOR agrees that she[he] shall notify DEFENDANT in writing within forty-eight (48) hours of any effort by any person or entity to acquire or otherwise obtain a copy of this Release so that DEFENDANT may take any steps necessary to protect the confidential nature of this Release, of which confidentiality is a material term.

As a result, Plaintiffs and Defendant, Kyle Ford, submit that the Motion for Good Faith Settlement be filed under seal [Exhibit A]. Counsel for the remaining Defendants, Washoe County School District and Beau Walker, had no objection to the Motion. (See, Declaration of Gina M. Mushmeche, Esq. incorporated hereinabove).

II. LEGAL STANDARD

The Ninth Circuit has held that there is a strong presumption of public access to judicial records. *Kamakanav City & County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006)(A party

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1 seeking to file document under seal bears the burden of overcoming that presumption. *Pintos v.*
2 *Pack Creditors Ass'n* 605 F.3d 665, 678 (9th Cir 2010). Parties who seek to maintain the secrecy
3 of documents attached ... must meet the high the high thresh hold of showing that “compelling
4 reasons” support secrecy). *Kamakana*, 447 F.3d at 1180. Those compelling reasons must
5 outweigh the competing interest of the public of having access to the judicial records and
6 understanding the judicial process. *Id.* 1178-79.

7 The Ninth Circuit held that “compelling reason sufficient outweigh the public’s interest
8 in disclosure and justify sealing records exists when ‘court files might have become a vehicle for
9 improper purposes,’ such as the use of records to gratify private spite, promote public scandal,
10 circulate liable statements, or release trade secrets”, *Kamakana* 447 F 3d. at 1179.

11 Here, Defendant, Kyle Ford, was a minor at all relevant times regarding the allegations
12 contained in Plaintiffs’ Complaint. Kyle Ford denied the allegations contained in the Complaint
13 and in order to buy his peace with Plaintiffs, he decided to resolve all claims against him.
14 Counsel for the remaining defendants are aware of the settlement amounts. As this Court is well
15 aware, the nature of the claims against Kyle Ford were somewhat scandalous and to protect him
16 from any spite or continued scandal, keeping the terms of the settlement confidence is
17 compelling. Not to mention that Plaintiffs’ counsel agreed to resolve any and all claims against
18 Kyle Ford and agreed that the settlement amount would remain confidential. As a result,
19 Plaintiffs and Defendant, Kyle Ford, are requesting that their Joint Motion for Good Faith
20 Settlement be filed under seal.

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1 **III. CONCLUSION**

2 Based upon the above and forgoing, Plaintiffs and Defendant, Kyle Ford, respectfully
3 request this Court grant their Joint Motion to File Under Seal: Plaintiffs' and Defendant, Kyle
4 Ford's Joint Motion for Good Faith Settlement.

5 Dated this 1st day of April, 2024.

6 /s/ Gina M. Mushmeche, Esq.
7 GINA M. MUSHMECHE, ESQ.
8 Schnitzer Johnson & Watson Chtd.
9 8985 S. Eastern Avenue, Suite 200
10 Las Vegas, Nevada 89123
11 Attorneys Defendant, Kyle Ford

12 /s/ Sigal Chattah, Esq.
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16 Las Vegas, NV 89118
17 Attorneys for Plaintiffs, Brooklyn Toni
18 and Dominique Jardin

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CERTIFICATE OF SERVICE

In accordance with LR IC 4-1(c), I, the undersigned hereby certify that on the 1st day of April, 2024, I served a true and correct copy of the foregoing **PLAINTIFFS' AND DEFENDANT KYLE FORD'S JOINT MOTION TO FILE UNDER SEAL: PLAINTIFFS' AND DEFENDANT KYLE FORD'S JOINT MOTION FOR GOOD FAITH SETTLEMENT** by submitting it to the above-entitled Court for electronic filing and service upon the Court's Service List and via U.S. Mail for the above-referenced case, to the following:

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WASHOE COUNTY SCHOOL DISTRICT

/s/ Chris Drelich
An Employee of SCHNITZER JOHNSON &
WATSON, CHTD.